

# State high court says two Clemmons helpers did not deserve exceptional sentences

By Adam Lynn

Staff writer  
The News Tribune  
December 24, 2014

The state Supreme Court has thrown out some of the convictions against two people who helped cop killer Maurice Clemmons in the aftermath of his slaying of four Lakewood police officers and also has ruled that the exceptional sentences imposed on them on other counts were not justified.

The ruling, released Wednesday, was a bit of hollow victory for Letrecia Nelson, who's already served her time and been released. But the split decision will be a boon for Eddie Lee Davis, who currently is not scheduled to be released from prison until November 2016.

Pierce County Prosecutor Mark Lindquist said parts of the high court's ruling "are discouraging to our community" but added he felt his office's prosecution of Nelson and Davis was justified.

"They were held accountable. They've done their time, and our message was sent: We're going to aggressively prosecute cop killers and those who help cop killers," Lindquist said.

Nelson, 57, and Davis, 25, were arrested in the days after the Nov. 29, 2009, massacre of Sgt. Mark Renninger and officers Tina Griswold, Ronald Owens and Gregory Richards at a Parkland coffee shop.

Clemmons walked into the shop and gunned the officers down as they assembled that Sunday morning to discuss their work plans for the day. Richards shot and wounded Clemmons.

Prosecutors later argued that Davis drove Clemmons, who was carrying Richards' service weapon, to Nelson's house in Pacific after the shootings.

Once there, Nelson, who is Clemmons' aunt, provided him with medical care and a clean shirt. She and Davis also handled Richards' gun briefly before Clemmons left the house.

Clemmons, the subject of a two-county manhunt, was killed two days later by a Seattle police officer .

Prosecutors charged Nelson and Davis with first-degree rendering criminal assistance and illegal gun possession counts. They were convicted at trial.

At sentencing, prosecutors argued that the pair deserved a sentence higher than the standard range because the help they provided Clemmons had a “destructive and foreseeable impact” on the families of the slain officers.

Superior Court Judge Stephanie Arend agreed and sentenced Nelson to six years, two months in prison, and Davis to 10 years, five months. The standard range for Nelson would have been 12 to 14 months in prison, for Davis three years, five months to four years, six months.

Nelson and Davis appealed both their convictions on the gun possession counts and their exceptional sentences.

In a 5-4 decision, the high court ruled prosecutors did not present enough evidence to support the illegal gun possession charges.

Justice Debra Stephens, writing about the gun-possession counts, said that Nelson and Davis, at most, had a “passing control” of Richards’ gun in the 15 minutes or so that Clemmons was at his aunt’s home. That is not enough to convict them of possessing it, Stephens wrote.

Justices Charles Wiggins, Barbara Madsen, Susan Owens and pro-tem Justice Anne Ellington agreed with that opinion.

Justice Mary Fairhurst and colleagues Charles Johnson, Steven Gonzalez and Sheryl Gordon McLeod disagreed.

Fairhurst wrote that both defendants handled the weapon and “retained the ability to take further actions as to the gun ... .” That means they possessed it, she wrote.

Regarding the exceptional sentences, eight of the justices agreed they were not justified. Only Stephens dissented.

The majority ruled that rendering criminal assistance is a crime against the general public, not an individual. Therefore, the aggravating factor used by prosecutors to justify the higher sentences against Davis and Nelson — that their crimes had a negative impact against the officers’ families — did not apply.

Stephens disagreed.

“Where identifiable individuals suffer foreseeable harm beyond what the general public suffers as a result of rendering criminal assistance, the aggravator should apply,” she wrote.

In the aftermath of the killings, Pierce County prosecutors filed charges against seven people with ties to Clemmons, winning convictions against six of them through either trial or pleas.

Two of them, Douglas Davis and Clemmons’ sister, LaTanya Clemmons, previously saw their convictions overturned on appeal.

Adam Lynn: 253-597-8644 [adam.lynn@thenewstribune.com](mailto:adam.lynn@thenewstribune.com) [@TNTAdam](#)